



HALEAKALĀ NATIONAL PARK

Park Report in Response to Board of Review Directions Regarding Development (for Further Consideration) of Possible Management and Operational Changes to Commercially Guided Downhill Bicycle Tours in Haleakalā National Park

Introduction and Background:

This report has been prepared in response to the Board of Review's direction that the park begin work to develop, for consideration by the park Superintendent and the Regional Director, a number of bicycle tour operational changes identified in the NPS *Safety Analysis Report: Commercially Guided Bicycle Tours, Haleakalā National Park* ("Safety Analysis Report") that could result in a safer tour in the Park.

The Board of Review for the Safety Analysis Report had convened on February 4-5, 2008 to review that report and to develop recommendations and an action plan regarding safety aspects of commercially guided downhill bicycle tours in the park. One of the preliminary findings of the Board of Review was that additional management and operational changes to those tours may mitigate the risk to park visitors to an acceptable level. To test this, the Board of Review findings contained the direction that the park staff, with the assistance of regional concessions staff, develop specific operating conditions that would meet the minimum standards the Board of Review had identified for safer commercial bicycle operations. These specific operating conditions then would be considered by the park Superintendent and the Regional Director for possible implementation.

Any such operational changes ultimately must address park-specific conditions and be capable of being implemented by the park through legally permissible authorizations. As such, the Park Superintendent has the authority to and will decide whether or not specific operating conditions should be implemented at this time through the issuance of authorizations for commercial activity in the park. The Board of Review's findings will be formally presented in a Management Report and Action Plan ("Board of Review Report"), which will become final (as will the underlying Safety Analysis Report) once that report is formally recommended by the Board of Review Chair and approved by the Regional Director.

Promptly after being advised of the Board of Review's preliminary finding and direction to the park regarding development of specific operating conditions, the park began work on those conditions. The park began this process expeditiously (and prior to finalization of the Board of Review Report), because it would inform the next steps to be taken to implement

the safety evaluation and to decide whether or not the current emergency safety stand down of commercially guided downhill bicycle tours in the park should be continued.

Park's Work on Possible Commercial Bicycle Tour Operational Changes

As Directed, the park began to develop a specific set of operating conditions identified in the Safety Analysis Report. The process of identifying specific in-park operating conditions for commercially guided downhill bicycle tours had several consequences.

First, the exercise of actually applying the various possible risk mitigating options outlined in the draft Safety Analysis Report and the draft Board of Review Report to park-specific conditions caused the park to identify additional safety impacts. These are discussed below, in the next section of this report, together with examples of other related impacts.

Second, the park found that applying several of the risk mitigating options outlined in those draft Reports may result in impacts that extend beyond safety to effect resources and values of the park. For example, the road inside the park used by these tours is two lanes, has no shoulder, experiences sections of 5-6% grades, and has paved pullouts approximately every 1-2 miles. This road is used by all park visitors to the Haleakalā summit. As a result, changes to the way in which the commercial users utilize the road and adjacent park area inevitable will have effects upon use by non-commercial park visitors and upon park resources (e.g. competition for use of limited pullouts for viewing; overflow into adjacent critical habitat areas and off-trail areas).

Any implementation of risk mitigating measures that have impacts extending beyond the safety of commercially guided downhill bicycle tours to resources and values of the park may have significant ramifications under NPS policy as well as under applicable laws. Pursuant to NPS policy and legal authorities, NPS may only allow, when exercising its discretionary authority, those park uses that are appropriate to the purpose for which the park was established and can be sustained without causing unacceptable impacts. In addition, NPS is legally constrained from permitting commercial activities with certain level of impacts unless specified findings and determinations first have been made. For example, NPS's authority to issue commercial use authorizations ("CUAs") has been limited by congress to those instances where (among other criteria) the services to be authorized have at most a "minimal impact on resources and values" of the park. Visitor services having more than a minimal impact may only be authorized if they have been determined (using appropriate procedures) to be "necessary and appropriate for public use and enjoyment" of the park. Notably, the park has not yet reached a final determination regarding which commercial services may be "necessary and appropriate" but is in the process of considering this through a commercial services planning process.

The park recommends that this commercial services planning process be used to evaluate the impact of suggested risk mitigating measures that extend beyond the safety of

commercially guided downhill bicycle tours and have effects upon resources and values of the park. To assure that the planning process adequately addresses these concerns, the park further recommends that scoping of the commercial services plan be re-initiated, to allow more input (including from the commercially guided downhill bicycle tour operators) on the alternatives to be considered.

The park also recommends that, until such time as the commercial service planning process is completed, no further action be taken to determine and implement operational changes in-park for the commercially guided downhill bicycle tour operators. Until that time, the current safety stand down should be continued.

Since late 2005, the park has used a Commercial Use at Sunrise: Interim Operations Plan ("IOP") to address significant public health and safety and visitor protection concerns that had been created at the Haleakalā summit by the large number of commercial and private vehicles attempting to park in order to view sunrise. At the beginning of the current safety stand down of in-park commercially guided downhill bicycle tours, the park had declined to change the allocation in the IOP for commercial users of the limited parking available at the Haleakalā summit during the sunrise use period until such time as the safety stand down was discontinued. Rather the park chose to preserve the existing commercial use of those stalls until the safety evaluation was completed by simply leaving those open for use on a first come, first serve basis by non-commercial users.

Given the recommendation that the current safety stand down be further continued, however, the park now proposes reallocating the ten commercial stalls formerly used by commercially guided downhill bicycle tour operations to use by those operations solely for in-park vehicle-or road-based tours (*i.e.* with no authorization to provide in-park commercially-guided downhill bicycle tours). Such use will be authorized by CUAs, which must be applied for by the formerly authorized commercially guided downhill bicycle tour operations and will be distributed each calendar year based on market share as previously provided in the IOP for those bicycle tours.

Additional Safety Impacts Identified by Park when Applying the Various Possible Risk Mitigating Measures Outlined in the Safety Review Team Report and the Board of Review Report to Park-Specific Conditions

Board Minimal Standard #1: Evaluate total group size and guide/client ratio.

Park response to minimum standard #1: Decreasing the client/guide ratio could potentially reduce risk factors of supervision and communication. The large number of bicycle accidents (according to the accident logs filled out by the bicycle companies) was a result of rider error. Even if the groups are smaller there will still continue to be accidents caused by the individual riders not possessing the proper skills and abilities to safely make the ride.

Board Minimal Standard #2: Evaluate the number of trips per day.

Park response to minimum standard #2: Lowering the number of trips per day may decrease safety issues but it will not remove the risk entirely. Bikes will still be on a road that has a 6% grade with no shoulders in variable weather conditions.

Board Minimal Standard #3: Establish a standard that all guides leading trips must have ready access to a supervisor.

Park response to minimum standard #3: Increased supervision and oversight may help to catch some mistakes before they happen. Many of the accidents occur with individuals riding the bikes down the mountain. Supervision may catch potential risks before the ride but will do little to help alleviate risks during the ride.

Board Minimal Standard #4: Establish a minimum standard for go/no go decision.

Park response to minimum standard #4: Establishing minimum standards for a go/no go decision would be a difficult task. It would be difficult to determine what standards are acceptable as the park does not have specialized expertise. Consequently, the park recommends that instead the tour companies be required to create their own standards. The park is concerned, however, that the tour companies may not have a financial incentive to not enforce these standards. Also, the conditions on the mountain are incredibly variable. With constant weather changes, it is often the case that the conditions are good at the summit and bad farther below. It would be very difficult to determine what conditions are acceptable.

Board Minimal Standard #5: Establish a permit condition prohibiting third party bookings.

Park response to minimum standard #5: Prohibiting third party bookings would give the companies a better opportunity to ensure that clients are screened before the ride. The bike companies could use this as a chance to provide better information to the clients regarding the risks involved in this activity. Ultimately this is still a business. The bicycle companies are motivated by money and that could cloud their judgment for how thoroughly they weed out unqualified customers. It would require staff time and money from the park to monitor this restriction.

Board Minimal Standard #6: Require companies to develop and the NPS to approve material provided to clients.

Park response to minimum standard #6: Improving client material to convey to customers the risks of the activity may help clients to self screen themselves. It would require park staff time and money to evaluate client materials.

Board Minimal Standard #7: Require companies to establish and the NPS to review minimum training standards for guides.

Park response to minimum standard #7: Having minimum training standards for guides could help ensure that proper safety considerations are being taken. There is a large turnover rate among guides and it would be difficult to keep them all trained to this standard. This requirement would also put a burden on park staff who would have to oversee and regulate this process. Extensive monitoring would be required.

Board Minimal Standard #8: Require companies to have transportation available with a pre-determined response time to transport clients with minor injuries.

Park response to minimum standard #8: Requiring the clients to transport patients with minor injuries to the hospital could alleviate the stress on emergency medical services. It would not reduce the injury rate and would require having more commercial vehicles on the road and in the already crowded summit parking area.

Board Minimal Standard #9: Improve communication between guides and clients.

Park response to minimum standard #9: Improved communication between guides and clients could help control the flow of the group and identify and avoid risks before they occur. There is the potential that radio communication with clients could distract the clients. It could also provide a means to verbally encourage or pressure clients to ride at a faster rate.

Board Minimal Standard #10: Improve test ride as one of the client screening elements.

Park response to minimum standard #10: An improved test ride may help with the screening process. It is difficult to adequately test riders for the rigors of a 30 mile downhill bike ride and almost impossible to replicate the conditions within the park (i.e. altitude, weather). Riders may seem fine during the test but have trouble when they reach the more difficult terrain and weather conditions.

Board Minimal Standard #11: Require companies to establish a reasonable refund policy.

Park response to minimum standard #11: Establishing a reasonable refund policy would allow customers to remove themselves from the ride at a later point. Peer pressure and other factors could still keep ill prepared riders from removing themselves from risk.

Board Minimal Standard #12: NPS would paint the curbs to improve visibility.

Park response to minimum standard #12: Painting the curbs would make these potential hazards more visible to the riders. The riders could still lose control and hit a curb. Park costs to repaint entire fog lines (58,080 LF x .78 LF) would be \$ 45,302.40. To paint the curbs would cost the park \$ 39,283.20 (31,680 LF x 1.24 LF); double this figure if you want to paint up bound curbing as well.

Board Minimal Standard #13: NPS will evaluate holding bicycle launches at the summit until the sunrise surge has cleared out.

Park response to minimum standard #13: Holding bicycle launches at the summit until the sunrise surge has cleared could alleviate some of the traffic congestion. It would not entirely remove the interaction between bike and car traffic.

Board Minimal Standard #14: NPS will evaluate existing information provided to all visitors related to bicycles on the road.

Park response to minimum standard #14: NPS assessing information provided to visitors could help to make the visitors more aware of the risks involved in the activity. It would be a large workload for the park to review all the current material and create new material. Also improved access to pertinent information does not ensure customers will properly read the information.

Board Minimal Standard #15: Require bicycles to stop at every pullout between the summit and park headquarters to reduce the pace of the trip.

Park response to minimum standard #15: Requiring bicycles to stop at every pullout may slow the pace of the tour and provide customers with a way to terminate their ride if they feel uncomfortable. However this will require park staff time and funds to monitor.

Submitted by: *Marilyn H. Parris, Superintendent Haleakalā National Park*

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